

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>DePuy Mitek Inc.,</b>	)	
<b>a Massachusetts Corporation</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 04-12457 PBS</b>
	)	
<b>Arthrex Inc.,</b>	)	
<b>a Delaware Corporation, and</b>	)	
	)	
<b>Pearsalls Limited,</b>	)	
<b>a Private Limited Company of the</b>	)	
<b>United Kingdom,</b>	)	
	)	
<b>Defendant.</b>	)	

**SUPPLEMENTAL JOINT PROPOSED STIPULATED FACTS**

DePuy Mitek, Arthrex, Inc., and Pearsalls Ltd. jointly submit these additional stipulated facts, in supplement to their Joint Proposed Stipulated Facts submitted as Ex. A to their Pre-Trial Memo filed on July 23, 2007, and their Supplemental Proposed Stipulated Facts filed on August 6, 2007.

**Stipulated Fact #66**

Pearsalls' "dye stage" testing occurs after the dying and scouring process but before the winding, stretching and coating, and final inspection/measuring processes (Hallet 1/11/06 Dep. at 47:24-48:3; DMI 279).

**Stipulated Fact #67**

Pearsalls' "intermediate" testing occurs after the stretching and coating processes in Mitek deposition Ex. 279 but before the final inspection/measuring processes (Hallet 1/11/06 Dep. at 49:14-16; DMI 279).

**Stipulated Fact #68**

Pearsalls' final stage measuring test occurs after the stretching and coating processes in Mitek deposition Ex. 279 and when Pearsalls' has completed manufacturing the product (Hallet 1/11/06 Dep. at 53:18-25; DMI 279).

**Stipulated Fact #69**

There should not be any construction or manufacturing differences between FiberWire samples from the same batch that are tested at Pearsalls' intermediate and final tests (Hallet 1/11/06 Dep. 54:1-6; DMI 279).

**Stipulated Fact #70**

The FiberWire sample, denoted as DePuy Mitek Deposition Exhibit 342, under went all of the manufacturing process in DePuy Mitek Exhibit 279 before the stretching and coating processes, and once coated, stretched, and heated a single time (Hallet 1/12/06 Dep. at 349:7-23; 350:4-5; DMI Ex. 279).

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